

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MYRON GLENN, JR.,

Petitioner,

v.

Case No. 07-15477

Hon. Lawrence P. Zatkoff

DEBRA SCUTT,

Respondent.

**ORDER DENYING PETITIONER'S MOTION
FOR A CERTIFICATE OF APPEALABILITY, BUT
GRANTING LEAVE TO APPEAL *IN FORMA PAUPERIS***

Petitioner Myron Glenn, Jr., has appealed the Court's Opinion and Order [dkt 11] dismissing his habeas corpus petition as time-barred. This matter currently is pending before the Court on Petitioner's motion for a certificate of appealability.

The one-year statute of limitations set forth in 28 U.S.C. § 2244(d) presented a clear procedural bar to federal habeas review of Petitioner's claims. Reasonable jurists would not find it debatable whether the Court's procedural ruling was correct or whether the habeas petition states a valid claim of the denial of a constitutional right. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Accordingly, Petitioner's motion for a certificate of appealability [dkt 15] is DENIED. Petitioner nevertheless may pursue his appeal *in forma pauperis* because the appeal is taken in good faith and

is not frivolous. 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(4)(B).

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: February 18, 2009

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on February 18, 2009.

S/Marie E. Verlinde
Case Manager
(810) 984-3290